

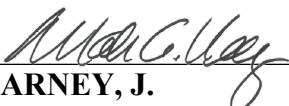
**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ATAIN INSURANCE COMPANY	:	CIVIL ACTION
	:	
v.	:	NO. 21-3651
	:	
KAZ TIRE, INC., et al.	:	

ORDER

AND NOW, this 16th day of November 2021, upon considering Plaintiff's Motion for summary judgment (ECF Doc. No. 12), Defendants' Opposition (ECF Doc. No. 15), Defendants' Motion for summary judgment (ECF Doc. No. 14), Plaintiff's Opposition (ECF Doc. No. 16), and for reasons in the accompanying Memorandum, it is **ORDERED**:

1. Defendants' Motion for summary judgment (ECF Doc. No. 14) is **GRANTED in part**;
2. Plaintiff's Motion for summary judgment (ECF Doc. No. 12) is **DENIED**;
3. We enter **JUDGMENT** in favor of Kaz Tire, Inc. and Kazeem Nabavi and **DECLARE** Atain Insurance Company must provide its insured with a defense and indemnity in *Benjamin Allen, et.al. v. Clark Material Handling Company, et al.*, Philadelphia C.C.P., May Term 2021, No. 1480;
4. We **DENY** Defendants' request for fees or costs; and,
5. The Clerk of Court shall **close** this case.



KEARNEY, J.